

ORIGINAL

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
WILLIAM J. FRANKLIN
JOHN F. GARZIGLIA
TODD J. PARRIOTT
NEAL J. FRIEDMAN
ELLEN S. MANDELL
HOWARD J. BARR
LOUISE CYBULSKI

NOT ADMITTED IN D.C.

RECEIVED

PEPPER & CORAZZINI

ATTORNEYS AT LAW
200 MONTGOMERY BUILDING
1776 K STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 296-0600

ROBERT LEWIS THOMPSON
E. THEODORE MALLYCK
OF COUNSEL
FREDERICK W. FORD
1909-1986

NOV 11 2 18 PM '91 TELETYPE: (202) 296-5572

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NOV 13 1991

November 13, 1991

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: **New FM Station, Ocean City, MD**
(File No. BPH-901224MF)
Webb Broadcasting, Inc.

Dear Ms. Searcy:

Transmitted herewith on behalf of Webb Broadcasting, Inc., applicant in the above-referenced proceeding, are an original and four (4) copies of its Opposition to Petition to Deny. Kindly direct this information to the Chief of the Mass Media Bureau.

Should any questions arise concerning this matter please communicate directly with the undersigned.

Very truly yours,


Neal J. Friedman

Enclosures

RECEIVED

NOV 13 1991

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)
)
WEBB BROADCASTING, INC.)
)
For Construction Permit for)
New FM Broadcast Station on)
Channel 295A at Ocean City, MD)

File No. BPH-901224MF

To: Chief, Mass Media Bureau

OPPOSITION TO PETITION TO DENY

Webb Broadcasting, Inc. ("Webb"), by its attorney and pursuant to Section 73.3584 of the Rules of the Commission hereby submits its opposition to the petition to deny filed by Robert L. Purcell on October 28, 1991. Webb is an applicant for a new FM station on Channel 295A at Ocean City, Maryland.

1. Purcell's petition is shot through with fatal procedural defects. These are addressed in full detail in a separate Motion to Dismiss filed contemporaneously with this opposition. Webb is addressing in this opposition the substantive matters raised in Purcell's petition out of an abundance of caution in the event the Commission wishes to consider Purcell's claims in the context of an informal objection pursuant to Section 73.3587 of the Rules.

2. Even considered as an informal objection, Purcell's allegations are wholly without merit. He seeks relief the Commission is unable and unwilling to grant. Purcell's petition lacks any evidence that any interest, other than Purcell's private interest in collecting an alleged debt would be served by grant of his petition. In sum, Purcell is attempting to abuse the Commission's processes for private gain. This issue is addressed separately in

a contemporaneous Joint Motion for Sanctions filed on behalf of Webb; Ocean Media, Inc., the proposed assignee of WWOC-FM, Avalon, New Jersey, also the target of a petition to deny; Five Star Broadcasting, Inc., licensee of WDMV(AM), Pocomoke City, Maryland, against whom Purcell is attempting to enforce the alleged debt, and Group Six Communications, Inc., licensee of WWOC(FM).

3. Purcell is correct in pointing out that he was formerly the licensee of WDMV(AM) and that on May 29, 1987, pursuant to Commission consent, the license was assigned to Five Star. He is also correct in noting that Sidney Friedman, Franklyn Field and Anthony Guida are principals of both Five Star and Webb. After that, Purcell's petition wanders far away from any matters that are the concern of the Commission.

4. Purcell claims that Five Star defaulted on an alleged debt in connection with the purchase of WDMV. He further points out that he has filed suit in the Circuit Court of Montgomery County, Maryland in order to collect that alleged debt. Five Star filed its answer on October 31, 1991 in which it denied the allegations raised in Purcell's complaint.^{1/}

5. In his petition at p. 2, Purcell claims standing, with stunning self-righteousness, as a "private attorney general with the right -- and perhaps the obligation -- to bring to the Commission's attention facts concerning the basic licensee qualifications of Webb Broadcasting, Inc. and its principals." He notes correctly that Messrs. Friedman, Field and Guida (along with others not

^{1/} A copy of Five Star's answer is attached as Exhibit 1.

listed) have indicated that they will provide Webb with all or a pro rata share of its costs for construction and operation of the proposed Ocean City station for three months assuming no revenue. These representations formed the basis for Webb's financial certification.^{2/}

6. Purcell then makes the leap of logic that the alleged failure of Five Star to make payments on a debt is somehow connected to the financial qualifications of Webb. This is absurd and Purcell knows it to be so. Webb and Five Star and entirely unrelated companies, albeit some of the principals of the one are also principals of the other. It is most significant to note that unsigned, undated promissory note attached to Purcell's complaint (Attachment 1 to the petition to deny) does not personally obligate any of the shareholders of Five Star. At p. 2 the alleged note lists as security "the real and personal property of Station WDMV, Pocomoke City, Maryland, and an escrow of the capital stock of Maker as of the date hereof for a period of three (3) years." Thus, the alleged failure of Five Star to make payments on the note is by no stretch any indication of the financial wherewithal of Webb or any of its principals.

7. Purcell's musings as to the ability of Webb's principals to honor their commitments are more than just idle speculation, they are a deliberate attempt to subvert the Commission's process for his private gain while hiding behind a self-righteous claim of

^{2/} A copy of the relevant portions of Webb's application is attached as Exhibit 2.

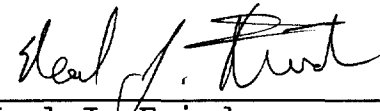
public interest. Purcell believes Five Star owes him money. He has filed suit in Montgomery County, Maryland to collect the alleged debt. That is the proper forum for adjudication of the dispute. The Commission is, quite clearly, a wholly improper forum. It has stated repeatedly that it is not the forum in which private contractual disputes are to be resolved and that these matters are properly left to local courts. John L. Runner, Receiver (KBIF), 36 RR2d 773, 778 (1976); Transcontinental Television Corp. (WROC-TV), 21 RR 945, 956 (1961). Thus, even considered on the merits, Purcell's petition must be denied.

For the forgoing reasons, Webb Broadcasting, Inc. respectfully requests that the petition to deny its application filed by Robert L. Purcell on October 28, 1991 be denied.

Respectfully submitted,

WEBB BROADCASTING, INC.

By



Neal J. Friedman
Its Attorney

PEPPER & CORAZZINI
200 Montgomery Building
1776 K Street, N.W., Suite 200
Washington, D.C. 20006
(202) 296-0600

November 13, 1991

EXHIBIT 1

1713
FILE COPY
P.L.G.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ROBERT L. PURCELL
10510 Carrolton, Road
Rockville, Maryland 20853

Plaintiff

v.

FIVE STAR BROADCASTING, INC.
Dunn Swamp Road
Pocomoke City, Maryland

Defendant

Case No. 80751

ANSWER

Comes now the Defendant, Five Star Broadcasting, Inc. and states for its Answer the following:

COUNT I

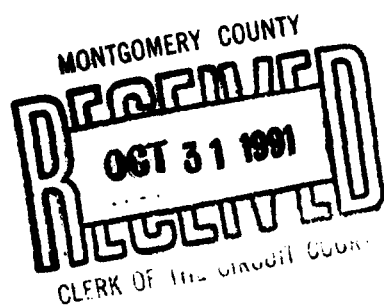
1. That it is not indebted as alleged.
2. That it is not obligated as alleged.

Wherefore, the Defendant Five Star Broadcasting, Inc. prays that judgement be entered on the Complaint in its favor.



Neal J. Friedman
Attorney for the Defendant

Pepper & Corazzini
200 Montgomery Building
1776 K Street, N.W.
Washington, D.C. 20554
(202) 296-0600



1991 OCT 31 PM 4:14

SECTION
CLERK'S OFFICE
10.

CERTIFICATION OF ADMISSION TO PRACTICE

I hereby certify that I am admitted to practice law in the State of Maryland by the Court of Appeals of Maryland.

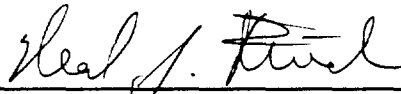


Neal J. Friedman
Attorney for the Defendant

Pepper & Corazzini
200 Montgomery Building
1776 K Street, N.W.
Washington, D.C. 20554
(202) 296-0600

JURY DEMAND

The Defendant prays for a trial by jury on all issues of fact.



Neal J. Friedman
Attorney for the Defendant

Pepper & Corazzini
200 Montgomery Building
1776 K Street, N.W.
Washington, D.C. 20554
(202) 296-0600

CERTIFICATE OF SERVICE

I, Neal J. Friedman, hereby certify that a copy of the foregoing "Answer" was sent via first class United States mail, postage prepaid, this 1st day of November, 1991 to the following:

Richard M. McGill, Esq.
Attorney for the Plaintiff
14713 Main Street
Upper Marlboro, MD 20773



Neal J. Friedman

EXHIBIT 2

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	FEE TYPE:	
	FEE AMT:	
	ID SEQ:	
		FOR COMMISSION USE ONLY
		FILE NO.

Section I - GENERAL INFORMATION

1. Name of Applicant Webb Broadcasting, Inc.			Send notices and communications to the following person at the address below: Name Above with copy to: Neal J. Friedman, Esquire		
Street Address or P.O. Box 10295 Collins Ave., Apartment 718			Street Address or P.O. Box 1776 K Street, N.W., Suite 200		
City Bal Harbour	State FL	ZIP Code 33154	City Washington	State DC	ZIP Code 20006
Telephone No. (Include Area Code) (305) 864-3965			Telephone No. (Include Area Code) (202) 296-0600		

2. This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 295A	(b) Principal Community	City Ocean City	State MD
--------------------------------------	-------------------------	--------------------	-------------

(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

Webb Broadcasting, Inc.

1. Applicant is (check one box below)

- ☐ Individual ☐ General partnership ☒ For-profit corporation
☐ Other ☐ Limited partnership ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date October 30, 1990 Place Wilmington, Delaware

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☒ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station. N/A

☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☒ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No

Section 11 - LEGAL QUALIFICATIONS (Page 2)

8. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

- | | |
|---|---|
| <p>1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.</p> <p>2. Citizenship.</p> <p>3. Office or directorship held.</p> <p>4. Number of shares or nature of partnership interests.</p> <p>5. Number of votes.</p> | <p>6. Percentage of votes.</p> <p>7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.</p> <p>8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.</p> |
|---|---|

1.	Maxine Zimmerman 1384 Pleasant Valley Way West Orange, NJ 07052	Michael M. Reitman 10 Turnberry Drive Lyncroft, NJ 07739	Carl Riley 12 Woodhollow Road Colts Neck, NJ 07722
2.	U.S.	U.S.	U.S.
3.	-----	-----	-----
4.	10 NVS	10 NVS	10 NVS
5.	-----	-----	-----
6.	-----	-----	-----
7.	See Exhibit 1	See Exhibit 1	See Exhibit 1
8.	None	None	None

Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

2. Citizenship.

3. Office or directorship held.

4. Number of shares or nature of partnership interests.

5. Number of votes.

6. Percentage of votes.

7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.355 and 76.501, including the nature and size of such interests and the positions held.

1.	Franklyn Field 524 W. 57th Street New York, NY 10019	Anthony Guida 433 E. 56th Street New York, NY 10022	Gerald Bauman 34 Pendergrast - 11th Street Brooklyn, NY 11236
2.	U.S.	U.S.	U.S.
3.	-----	-----	-----
4.	10 NVS	10 NVS	10 NVS
5.	-----	-----	-----
6.	-----	-----	-----
7.	See Exhibit 1	See Exhibit 1	See Exhibit 1
8.	None	None	None

Section 11 - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.
2

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. ☒ Yes ☐ No
2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue. \$ 263,675
3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Sidney Friedman 42 Marlo Road Waune, NJ 07470	(212) 664-3224	None	Pro rata share of \$263,675 or 100%
Franklyn Field 524 W. 57th Street New York, NY 10019	(212) 959-5632	None	" "
Anthony Guida 433 E. 56th Street New York, NY 10022	(212) 664-3705	None	" "
Gerald Bauman 34 Pendergrast - 11th Street Brooklyn, NY 11236	(212) 621-9538	None	" "
Maxine Zimmerman 1384 Pleasant Valley Way West Orange, NJ 07052	(201) 731-0350	None	" "
Michael M. Reitman 10 Turnberry Drive Lyncroft, NJ 07739	(201) 842-4034	None	" "
Carl Riley 12 Woodhollow Road Colts Neck, NJ 07722	(201) 747-5404	None	" "

Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.
3

Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1. and 2. below.

Exhibit No.
4

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.
2. State with respect to each principal identified in response to Item 1. above, whether the applicant will claim qualitative credit for any of the following enhancement factors:
 - (a) Minority Status
 - (b) Past Local Residence
If Yes, specify whether in the community of license or service area and the corresponding dates.
 - (c) Female Status
 - (d) Broadcast Experience
If Yes, list each employer and position and corresponding dates.
 - (e) Daytime Preference

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☒ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 698-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Mark Sapperstein

Telephone No. (include area code) (301) 653-0334

Person contacted: (check one box below)

☒ Owner ☐ Owner's Agent ☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

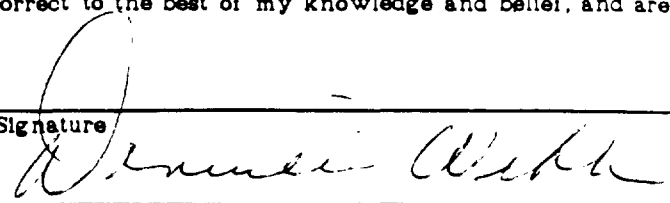
The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Webb Broadcasting, Inc.	Signature 
Date 12/20/90	Title President

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(x3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

DECLARATION

I, Sid Friedman, declare under penalty of perjury as follows:

1. I am the President of Five Star Broadcasting, Inc. and a non-voting shareholder of Webb Broadcasting, Inc.

2. I have read the forgoing Opposition to Petition to Deny and it is true and correct to the best of my knowledge and belief.

DATE: 10-13-91


 Sid Friedman

CERTIFICATE OF SERVICE

I, Susan A. Burk, a secretary with the law firm of Pepper & Corazzini, do hereby certify that a true and correct copy of the foregoing Opposition to Petition to Deny was served by U.S. mail, postage prepaid, first class on the 13th day of November, 1991, on the following individuals:

* Mr. Larry D. Eads
Federal Communications Commission
Mass Media Bureau
Room 302
1919 M Street. N.W.
Washington, DC 20554

James A. Koerner, Esq.
Baraff, Koerner, Olender & Hochberg
2033 M Street, N.W., Suite 700
Washington, DC 20036



Susan A. Burk

* Hand Delivery